

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:23-cr-72

vs.

JOSHUA RYAN FULLER,

District Judge Michael J. Newman

Defendant.

ORDER: (1) GRANTING THE PARTIES' JOINT REQUEST FOR A THIRTY-DAY CONTINUANCE (Doc. No. 15); (2) EXCLUDING THE TIME FROM OCTOBER 17, 2023 UNTIL NOVEMBER 16, 2023 FROM THE SPEEDY TRIAL ACT CALCULATION; (3) FINDING THAT THE NEW SPEEDY TRIAL ACT DEADLINE IS NOVEMBER 16, 2023; (4) REQUIRING THE PARTIES TO FILE A STATUS REPORT BY NOVEMBER 9, 2023; AND (5) SCHEDULING TRIAL TO BEGIN ON NOVEMBER 13, 2023 AT 9:30 A.M.

This criminal case comes before the Court on the parties' joint status report concerning the Speedy Trial Act deadline (October 17, 2023) and scheduled trial date of October 16, 2023. Doc. No. 15. The parties request a 30-day continuance to finalize any pre-trial agreement they may reach. *Id.* The Court hereby **GRANTS** the parties' joint request for a 30-day continuance.

The Court finds that, pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(i), after considering the factors set forth therein, the ends of justice are served by granting the requested continuance and that such continuance outweighs the best interest of the public and Defendant in a speedy trial. Failure to grant the requested continuance would deny both the Government and Defendant the time necessary for effective preparation (such as having witnesses available to testify at trial), and the ability to explore all available means of resolving this case. *See* 18 U.S.C. § 3161(h)(7). Thus, the time from **October 17, 2023 until November 16, 2023** is **EXCLUDED** in computing the time

set forth in 18 U.S.C. § 3161 within which the Government must bring Defendant to trial. Accounting for the time excluded from the Speedy Trial Act calculation, the new Speedy Trial Act deadline in the instant case is **November 16, 2023**.¹

This case shall proceed as follows:

Status report due: **November 9, 2023**

Trial: **November 13, 2023 at 9:30 a.m.**

IT IS SO ORDERED.

October 2, 2023

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge

¹ If counsel disagrees with this calculation, counsel shall contact the Court with their Speedy Trial Act calculation and deadline.